

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
April 27, 2009**

Court convened at 1:30 p.m., in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P. J., Aronson, J. and Ikola, J. Toni Cajigal deputy clerk attending.

G040430      LONG BEACH COUNSEL OF PARENTS & TEACHERS  
                 v.  
                 CITY OF LONG BEACH

Merits. Cause called. John C. Eastman argued for appellant, Long Beach Counsel of Parents & Teachers. Robert S. Bower argued for respondent City of Long Beach. Cause submitted.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
April 27, 2009 (cont'd)**

G037875     CHAU LAI  
              v.  
              VAN KIM LAI

Order filed. The above entitled cause is ordered submitted this date.

O'LEARY, ACTING P. J.

We concur:   ARONSON, J.  
                  FYBEL, J.

G038358     FISHER & PHILLIPS, LLP et al.     Not for publication  
              v.  
              ROBERT J. BEKKEN

Opinion filed. The order is reversed and remanded.

O'LEARY, J.

We concur:   RYLAARSDAM, ACTING P. J.  
                  IKOLA, J.

G038566     ROBERT J. BEKKEN     Not for publication  
              v.  
              FISHER & PHILLIPS, LLP et al.

Opinion filed. The order is reversed and remanded.

O'LEARY, J.

We concur:   RYLAARSDAM, ACTING P. J.  
                  IKOLA, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
April 27, 2009 (cont'd)**

G039432 THE PEOPLE  
v.  
JENNIFER LYNN  
HENDERSON-DELEON

Order filed. Pursuant to rule 8.256(e)(1) of the C.R.C. submission of the above-entitled matter is vacated to allow additional time to prepare an opinion. The matter is resubmitted as of this date for the period allowed by law.

RYLAARSDAM, ACTING P. J.

We concur: O'LEARY, J.  
IKOLA, J.

G040346 WILLIAM SEAY  
v.  
MARIA FERRANTE

Order filed. Order modifying opinion; denial of request for publication; denial of petition for rehearing; no change in judgment.

BEDSWORTH, J.

We concur: RYLAARSDAM, ACTING P. J.  
ARONSON, J.

G040553 THE PEOPLE Not for publication  
v.  
JEFFREY A. WILLAIMS

Opinion filed. The judgment is affirmed.

O'LEARY, J.

We concur: BEDSWORTH, ACTING P. J.  
ARONSON, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
April 27, 2009 (cont'd)**

G041142      THE PEOPLE      Not for publication  
                 v.  
                 JOHN F. ACKERMAN

Opinion filed. The judgment is affirmed.

RYLAARSDAM, J.

We concur:   SILLS, P. J.  
                 O'LEARY, J.

G041165      THE PEOPLE      Not for publication  
                 v.  
                 ISMAEL G. ANAYA

Opinion filed. The judgment is affirmed.

RYLAARSDAM, ACTING P. J.

We concur:   MOORE, J.  
                 IKOLA, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
April 28, 2009**

G039554      THE PEOPLE      Not for publication  
              &                v.  
G040787      IGNACIO R. HEREDIA

Opinion filed. The judgment is reversed and remanded with directions. The petition is granted.

FYBEL, J.

We concur:   MOORE, ACTING P. J.  
                     ARONSON, J.

G039649      THE PEOPLE      Not for publication  
              &                v.  
G040003      BRUCE R. SENATOR

Opinion filed. The judgment is affirmed.

ARONSON, ACTING P. J.

We concur:   FYBEL, J.  
                     IKOLA, J.

G040133      THE PEOPLE      Certified for publication  
              v.  
              SALVADOR MAGALLANES

Opinion filed. The judgment is affirmed in part as modified, and reversed in part.

FYBEL, J.

We concur:   MOORE, ACTING P. J.  
                     ARONSON, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
April 28, 2009 (cont'd)**

G040338     JOSE GOMEZ et al.  
              v.  
              LINCARE, INC.

Order filed. Order modifying opinion and granting request for publication; no change in judgment.

FYBEL, J.

We concur:   RYLAARSDAM, ACTING P. J.  
                  BEDSWORTH, J.

G040895     EDITH L. SPLAIN, as Trustee, etc.     Not for publication  
              v.  
              JOHN T. HOGARD

Opinion filed. The postjudgment is affirmed.

FYBEL, J.

We concur:   MOORE, ACTING P. J.  
                  ARONSON, J.

G040998     LQNN, INC.     Not for publication  
              v.  
              LANVESCO

Opinion filed. The order is affirmed.

ARONSON, J.

We concur:   MOORE, ACTING P. J.  
                  FYBEL, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
April 28, 2009 (cont'd)**

G041263      ORANGE COUNTY SOCIAL      Not for publication  
SERVICES AGENCY  
v.  
A.S.

Opinion filed. The order is affirmed.

RYLAARSDAM, ACTING P. J.

We concur: BEDSWORTH, J.  
ARONSON, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
April 29, 2009**

G040050 THE PEOPLE Not for publication  
v.  
JAMAL T. RHONE

Opinion filed. The judgment is affirmed.

O'LEARY, J.

We concur: BEDSWORTH, ACTING P. J.  
ARONSON, J.

G040299 LARS ROULAND et al.  
v.  
PACIFIC SPECIALTY INSURANCE COMPANY

Order filed. Order modifying opinion and denying petition for rehearing; no change in judgment.

ARONSON, J.

We concur: RYLAARSDAM, ACTING P. J.  
IKOLA, J.

G040510 THE PEOPLE Not for publication  
v.  
ENRICO L. AMATO

Opinion filed. The judgment is affirmed.

RYLAARSDAM, J.

We concur: SILLS, P. J.  
IKOLA, J.



**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
April 29, 2009**

G040648      ORANGE COUNTY SOCIAL      Not for publication  
SERVICES AGENCY  
v.  
C.D.

Opinion filed. The appeal is dismissed as moot.

SILLS, P. J.

We concur:    ARONSON, J.  
                    FYBEL, J.

G041228      THE PEOPLE      Not for publication  
v.  
FRANCISCO G. HERNANDEZ

Opinion filed. The judgment is affirmed.

SILLS, P. J.

We concur:    RYLAARSDAM, J.  
                    IKOLA, J.

G041333      EPICOR SOFTWARE CORPORATION  
v.  
THE IMAGERY GROUP, INC.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041827      ORANGE COUNTY SOCIAL  
    &      SERVICES AGENCY  
G041916      v.  
            C.G.

Order filed. On the court's own motion, appeal numbers G041827 and G041916 are consolidated for all purposes.

SILLS, P. J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
April 30, 2009**

G038984      APPLERA CORPORATION      Certified for publication  
v.  
MP BIOMEDICALS, LLC

Opinion filed. The judgment is affirmed. The postjudgment order reversed and remanded with directions.

IKOLA, J.

We concur:    ARONSON, ACTING P. J.  
                    FYBEL, J.

G039391      THE PEOPLE      Not for publication  
v.  
MARK L. CUMMINGS

Opinion filed. The judgment is affirmed.

ARONSON, J.

We concur:    SILLS, P. J.  
                    FYBEL, J.

G039674      THE PEOPLE  
v.  
JORGE A. NAJERA

Order filed. Pursuant to rule 8.256(e)(1), C.R.C. submission of the above matter is hereby vacated to allow additional time for the preparation of the court's opinion and the cause resubmitted as of this date, for the period allowed by law.

SILLS, P. J.

We concur:    RYLAARSDAM, J.  
                    FYBEL, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
April 30, 2009 (cont'd)**

G039957      FARAHMARZ ABOLFATHI      Not for publication  
                 v.  
                 NAJILA K. BRENT

Opinion filed. The order is affirmed.

IKOLA, J.

We concur:   SILLS, P. J.  
                 ARONSON, J.

G039986      THE PEOPLE  
                 v.  
                 CESAR V. RODRIGUEZ

Order filed. Pursuant to C.R.C., rule 8.256(e)(1) submission of the above matter is hereby vacated and the cause resubmitted as of this date for the period allowed by law. The issues raised require additional time for the preparation of the court's opinion.

SILLS, P. J.

We concur:   ARONSON, J.  
                 FYBEL, J.

G040111      ESTER GARCIA      Not for publication  
                 v.  
                 KENNEDY EASTON etc.

Opinion filed. The judgment is affirmed and remanded.

BEDSWORTH, ACTING P. J.

We concur:   ARONSON, J.  
                 FYBEL, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
April 30, 2009 (cont'd)**

G040168      THE PEOPLE      Not for publication  
                 v.  
                 SPENCER W. FOX

Opinion filed. The judgment is affirmed.

ARONSON, ACTING P. J.

We concur:    FYBEL, J.  
                             IKOLA, J.

G040377      In re ANTONIO DE JESUS NUNEZ      Certified for publication

Opinion filed. The petition is granted.

ARONSON, J.

We concur:    BEDSWORTH, ACTING P. J.  
                             IKOLA, J.

G040474      THE PEOPLE  
                 v.  
                 JOHN P. MENDOZA

Order filed. Submission of this matter is vacated to permit the filing of supplemental letter briefs. The matter will be resubmitted when the supplemental briefing process is completed.

RYLAARSDAM, ACTING P. J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
April 30, 2009 (cont'd)**

G040596      ALEXIA MARKARIAN, as                      Not for publication  
                 Administrator, etc.  
                 v.  
                 KENNETH ROBINSON et al.

Opinion filed. The orders are reversed with directions.

RYLAARSDAM, ACTING P. J.

We concur:   SILLS, P. J.  
                     MOORE, J.

G040656      JINFENG ZHANG                                      Not for publication  
                 v.  
                 WEIFENG YAO

Opinion filed. The judgment is affirmed.

ARONSON, J.

We concur:   BEDSWORTH, ACTING P. J.  
                     IKOLA, J.

G040688      JAMES HENRY DENEAL                              Not for publication  
                 v.  
                 RONNY SHAVER

Opinion filed. The order is affirmed.

RYLAARSDAM, ACTING P. J.

We concur:   MOORE, J.  
                     IKOLA, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
April 30, 2009 (cont'd)**

G040745      LEE STROTHER et al.      Certified for publication  
                 v.  
                 CALIFORNIA COASTAL  
                 COMMISSION et al.

Opinion filed. The judgment is reversed.

RYLAARSDAM, ACTING P. J.

We concur:    MOORE, J.  
                 ARONSON, J.

G040813      THE PEOPLE  
                 v.  
                 RYAN A. PRICE

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041020      THE PEOPLE      Not for publication  
                 v.  
                 JOHN McDONALD

Opinion filed. The orders are affirmed.

FYBEL, J.

We concur:    SILLS, P. J.  
                 BEDSWORTH, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
April 30, 2009 (cont'd)**

G041246      ORANGE COUNTY SOCIAL  
SERVICES AGENCY et al.  
v.  
D.M.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041650      In re STEPHEN KENNEDY      Not for publication

Opinion filed. The petition is denied.

BY THE COURT

Before Rylaarsdam, Acting P.J., Aronson, J. and Ikola, J.

G039594      PHILLIP T. SZANTO  
                     v.  
                     PETER SZANTO

Order filed. The petition for rehearing is denied.

BEDSWORTH, ACTING P. J.

We concur: ARONSON, J.  
IKOLA, J.

G040277 JACQUELINE B. REEDY, as Trustee, etc.  
v.  
LETANTIA B. BUSSELL, as Trustee, etc.

The petition for rehearing is denied.

BEDSWORTH, J.

We concur: SILLS, P. J.  
FYBEL, J.

G041436 THE PEOPLE Not for publication  
v.  
GIGI A. FAIRCHILD LITTLEFIELD

Opinion filed. The judgment is affirmed.

FYBEL, J.

We concur: BEDSWORTH, ACTING P. J.  
MOORE, J.

V.